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18 Sackler, and Richard S. Sackler and Jonathan D.
19 Sackler in Their Alleged Capacities as Trustees of the
20 Alleged "Trust for the Benefit of Members of the
21 Raymond Sackler Family," and Former Attorneys for Beverly Sackler
22

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

15
16
17 THE CITY AND COUNTY OF SAN
18 FRANCISCO, CALIFORNIA and THE
19 PEOPLE OF THE STATE OF CALIFORNIA,
acting by and through San Francisco City
Attorney DENNIS J. HERRERA,

20 Plaintiffs,

21 vs.

22 PURDUE PHARMA L.P., RICHARD S.
23 SACKLER, JONATHAN D. SACKLER,
24 MORTIMER D.A. SACKLER, KATHIE A.
25 SACKLER, ILENE SACKLER LEFCOURT,
26 BEVERLY SACKLER, THERESA
27 SACKLER, DAVID A SACKLER, TRUST
28 FOR THE BENEFIT OF MEMBERS OF THE
RAYMOND SACKLER FAMILY, RHODES
PHARMACEUTICALS L.P., CEPHALON,
INC., TEVA PHARMACEUTICAL
INDUSTRIES LTD., TEVA
PHARMACEUTICALS USA, INC., ENDO
INTERNATIONAL PLC, ENDO HEALTH

Case No. 18-cv-7591

The Hon. Charles R. Breyer

**NOTICE OF SEVENTH AMENDED
BANKRUPTCY COURT ORDER
ENJOINING THE CONTINUATION OF
THIS PROCEEDING AS TO THE
INDIVIDUAL FORMER DIRECTORS**

NOTICE OF SEVENTH AMENDED
BANKRUPTCY COURT ORDER
Case No. 18-cv-7591

1 SOLUTIONS INC., ENDO
 2 PHARMACEUTICALS INC., JANSSEN
 3 PHARMACEUTICALS, INC., INSYS
 4 THERAPEUTICS, INC., MALLINCKRODT,
 5 PLC, MALLINCKRODT LLC, ALLERGAN
 6 PLC f/k/a ACTAVIS PLC, WATSON
 7 PHARMACEUTICALS, INC. n/k/a
 ACTAVIS, INC., WATSON
 LABORATORIES, INC., ACTAVIS LLC,
 ACTAVIS PHARMA, INC. f/k/a/ WATSON
 PHARMA, INC., AMERISOURCEBERGEN
 CORPORATION, CARDINAL HEALTH,
 INC. and McKESSON CORPORATION,

8 Defendants.

9
 10 On October 11, 2019, the United States Bankruptcy Court for the Southern District of New
 11 York issued an order, which has since been amended seven times, most recently on March 4, 2020
 12 (the “Seventh Amended Preliminary Injunction Order”) pursuant to 11 U.S.C. § 105(a), granting,
 13 in part a motion by Purdue Pharma L.P. and certain affiliated debtors (the “Debtors”), for a
 14 preliminary injunction. *See* Seventh Amended Preliminary Injunction Order, *In re Purdue*
 15 *Pharma L.P., et al.*, No. 19-23649 (RDD), Adv. Pro. No. 19-08289, Dkt. No. 145 (Bankr.
 16 S.D.N.Y. Mar. 4, 2020). A copy of the Seventh Amended Preliminary Injunction Order (with
 17 relevant excerpts of the Appendices) is attached as Exhibit 1. The Seventh Amended Preliminary
 18 Injunction Order states, in relevant part,

19 Governmental Defendants . . . and the Private Defendants are prohibited and
 20 enjoined from . . . the commencement or continuation of their active judicial,
 administrative, or other actions or proceedings against the Debtors and/or Related
 21 Parties that were or could have been commenced before the commencement of [this
 bankruptcy] case . . . against the Debtors and/or the Related Parties arising from or
 22 in any way relating to the Debtors’ prescription opioid business, including the
 actions reflected in Appendix III and Appendix IV, as well as . . . any other actions
 23 against the Debtors or Related Parties alleging substantially similar facts or causes
 of action as those alleged in actions reflected in Appendix III and Appendix IV, in
 each case through and including Wednesday, April 8, 2020. The preliminary
 24 injunction period may be extended by further order of the Court.

25 Ex. 1, at 6. The Seventh Amended Preliminary Injunction Order further states that “all applicable
 26 statutes of limitations and similar time limits on the commencement of Additional Actions, and all
 27 deadlines (including deadlines for appeals) in any currently pending Governmental Action or
 28 Related Party Claim (including as agreed on the record at the Hearing by the representatives of the

1 Sackler Families), shall be tolled or otherwise inoperative for the duration of this preliminary
 2 injunction.” *Id.* at 8.

3 “Governmental Defendants” are defined in the Amended Preliminary Injunction Order to
 4 mean “the governmental defendants in [the bankruptcy] adversary proceeding.” *Id.* at 1. The
 5 Private Defendants are defined to mean “private defendants in [the bankruptcy] adversary
 6 proceeding.” *Id.* at 2. The Seventh Amended Preliminary Injunction Order encompasses this
 7 action because this action is listed in Appendix IV to the Seventh Amended Preliminary Injunction
 8 Order. Appendix IV to Ex. 1, at 16. Related Parties, in turn, is defined to include “former or
 9 current (a) owners (including any trusts and their respective trustees and beneficiaries), (b)
 10 directors, (c) officers, (d) employees, and (e) other similar associated entities of the Debtors,”
 11 thereby encompassing David A. Sackler, Ilene Sackler Lefcourt, Jonathan D. Sackler (in both his
 12 individual capacity and his capacity as an alleged trustee of the alleged Trust for the Benefit of
 13 Members of the Raymond Sackler Family, the “Alleged Trust”), Kathe Sackler, Mortimer D.A.
 14 Sackler, Richard S. Sackler (in both his individual capacity and as an alleged trustee of the
 15 Alleged Trust), and Theresa Sackler (collectively, the “Individual Former Directors”). Ex. 1, at 2.
 16 Thus, the Seventh Amended Preliminary Injunction Order enjoins the continuation of this current
 17 proceeding as to the Individual Former Directors, including discovery.

18 By filing this notice, the Individual Former Directors are expressly preserving all of their
 19 defenses, including but not limited to the lack of personal jurisdiction.

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1 Dated: March 5, 2020

FARELLA BRAUN + MARTEL LLP

2
3 By: /s/ C. Brandon Wisoff
4 C. Brandon Wisoff

5 Attorneys for Defendants
6 David A. Sackler, Ilene Sackler Lefcourt,
7 Jonathan D. Sackler, Kathe A. Sackler, Mortimer
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